

Item 9.1 Information Report on Notice of Motion – Cr Peat – the practice of selling off council reserves

This is a new proposal, concept or issue.

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Attachments: 1. Disposal of Council Land and Other Assets Policy
(8 pages)

1. Purpose

This report is in response to the Notice of Motion moved by Councillor Peat at the Council meeting held on 19 February 2019, that requested a report be presented to the April Council meeting addressing options available to Council in alleviating adjoining land owners from survey and fencing costs when Council is selling a reserve or open space land.

2. Recommendations

Having considered the options contained in this information report, Council:

1. Notes the existing 'Disposal of Council Land and Other Assets Policy' and the relevant pieces of legislation that apply to the disposal of Council land (including the *Fences Act 1975*, which is the legislation that applies to fencing matters in South Australia) and continues to adopt a flexible and discretionary approach to consider possible future survey and fencing costs of adjoining owners on a case by case basis to alleviate adjoining land owners from financial costs when Council sells its reserve land parcels.

2. Resolves that subject to a successful revocation process of community land and subsequent land sale process, Council:

2.1 Resolves that for an unfenced boundary adjoining a Residential parcel of land, a monetary contribution of up to \$6,000 is reserved for up to 12 months from the sales proceeds to cover the reasonable costs of supply and installation of approximately 30-40 metres of Good Neighbour fencing (or similar product) should the adjoining owner wish to enter into discussions with Council to install a fence during the course of the transaction. In rare cases, both a side and a back fence may be requested to be installed depending on the configuration of the allotment. Any fencing designs above Good Neighbour style fencing are at the owners cost.

2.2 Resolves that for an unfenced boundary adjoining a Rural parcel of land, a monetary contribution of up to \$8,000 is reserved for up to 12 months from the sales proceeds to cover the reasonable costs of supply and installation of approximately 500 metres of stock proof fencing consisting of four plain wire with two barbed wire fence comprising alternate timber posts and droppers at 8 metre intervals (or similar product) should the adjoining owner wish to enter into discussions with Council to install a fence during the course of the transaction. Any rural fencing designs above the stock proof style proposed here are at the owners cost.

3. Background

The sale of Council land is conducted in accordance with Council's Disposal of Council Land and Other Assets Policy (Policy) (refer Attachment 1). This is a mandatory policy required under Section 49 of the *Local Government Act 1999* and defines the methods by which Council land or assets may be sold, with the overarching purpose of demonstrating accountability and responsibility to ratepayers, fairness to all parties, consistency with corporate and financial directions and in accordance with all relevant legislation.

Whilst the Policy does not expressly discuss fencing and the associated costs, the Policy Principles in Item 3 of the Policy states that Council's disposal practices must be in accordance with all legislative requirements, which would include the *Fences Act 1975* (Fences Act).

Under Section 20(2) of the Fences Act, Council and the Crown are exempt from all fencing costs along any boundary abutting land of greater than one hectare in area or any public road or drainage reserve. Council relies on this section of the Fences Act whenever fencing enquiries from land owners adjoining Council land, roads and drainage reserves are received, to minimise costs to Council and the community.

It is worth noting that where Council roads, drainage reserves or land of greater than one hectare is sold, the position of adjoining landowners with regards to fencing improves, from being responsible for all fencing costs to being able to share fencing costs with a new purchaser.

Where boundaries abut Council land of less than one hectare that are not roads or drainage reserves, or any privately owned allotment, the costs of fencing are shared between each abutting landowner in accord with the Fences Act.

Item 6.1.4 of the Policy requires that '*Unless Council resolves otherwise, sale of land should be at or above the current market valuation.*' The Land Disposal Method outlined in Item 6.1 of the Policy requires that at least one independent valuation be obtained (depending on the method of sale) to determine the current market valuation of the land. Requiring the sale of Council land to be at or above the market value is the only consistent and credible way of dealing with the community's land to ensure that the community is appropriately and fairly reimbursed for the sale of its land.

Item 6.1.6 of the policy also relevantly requires that '*Unless Council resolves otherwise, all costs associated with any sale or disposal of land must be borne by the purchaser or realised within the purchase price.*' This clause is relied upon when Council receives external applications to purchase land or road to ensure that the applicant pays all associated costs of mandatory services, such as survey, conveyancing and valuation. Where Council initiates the disposal of reserve land that has been identified as surplus in Council's Open Space Strategic Management Plan, these associated costs are borne by Council as a necessary disposal cost as there is no intending purchaser until the land is offered to the open market.

The costs associated with sale or disposal in Item 6.1.6 of the Policy are taken to be mandatory costs and not discretionary costs such as fencing (unless fencing the land is identified as an improvement that will assist the open marketing of the land for sale). Council does not generally incur fencing costs as part of the sale or disposal of land, as Council land is generally purchased in its current

condition and any fencing that the purchaser may want to construct is then constructed after the land sale.

The Notice of Motion raised three options to deal with survey and fencing costs (for this report referred to simply as fencing costs) that may arise when Council disposes of land and the following sections provide comment on these options:

1. *Whether council could supply and cover the cost of a Good Neighbour fencing material or equivalent and capped to a maximum length of 30 metres per allotment.*

This suggestion poses a number of difficulties. Council owns reserve land in a wide variety of residential, commercial and rural settings throughout the Council area. Section 12(8) of the Fences Act outlines that where there is a dispute over fencing, an adequate fence is deemed to be a fence that conforms to the general standards of good fencing in the locality. Where Council disposes of a reserve or portion of a reserve in a rural area, for instance, a policy whereby Council covers the costs of a Good Neighbour fence or equivalent of 30 metres length would be inappropriate if the prevailing pattern of fencing is basic stock proof post and wire and/or a far greater distance of fencing is required.

If Council were to supply and cover the cost of Good Neighbour fencing or equivalent, this cost of disposal would reduce the net profits from the sale of Council land where Council has initiated the disposal process, reducing the financial benefits of sale to the wider community. Issues may also arise between Council and adjoining land owners, such as;

- if a different style of fence is desired by an adjoining owner depending upon the style of existing fencing to their property,
- the length of their boundary adjoining Council land is greater than 30 metres,
- the parties may not want a fence to be constructed now or in the future,
- either of the parties at the time of sale of the reserve land may later sell their property/s before the fencing is erected thereby creating problems for Council dealing with new landowners,
- the fact that Council will be involved in resolving the matter when Council is not now a party to the Fences Act process (as it is no longer an adjoining land owner); it is only the provider of funds.

Due to the precise nature of this suggested policy position and the wide variety of circumstances that may be faced when Council disposes of reserve land, it is not recommended that a blanket position such as this be adopted.

2. *Whether Council can erect a fence at its cost prior to the sale of its land and recover the fencing cost in Council's sales price.*

Item 6.1.4 of the Policy requires Council to sell its land at or above market value as determined by an independent valuation. This is considered to be the most consistent and credible way for Council to sell its land.

In practice, purchasers of Council land (especially where the land is sold direct to a purchaser in lieu of an open market sale) may be reluctant to pay additional discretionary fencing costs as well as the market value of the land. This would reduce the appeal of Council land to the open market that

ultimately could result in Council retaining the land when there is no strategic or operational need identified for the land.

In this situation it is also possible Council could erect fencing consistent with a policy position, that following the sale is not required by the purchaser of the land (eg. the land fronts a natural feature such as a creek or additional reserve land and erecting a fence would obscure the view).

In very select circumstances Council has constructed fences at its cost prior to the disposal of land where the replacement of inappropriate or dilapidated fencing may be more attractive to potential purchasers on the open market and assist to achieve a sale price at or above the market value. This is done on a case by case basis and it is recommended that Council should retain the flexibility to do this in discretionary circumstances, rather than adopting a blanket policy.

3. *Whether Council can hold the sum of fencing in a Trust Account and include in the "Sale Contract" that the persons or company purchasing the land from Council is to obtain the cost of erecting a fence from Council.*

As outlined for suggestion 2 above, in practice, purchasers of Council land may be reluctant to pay above market value for Council land to cover all potential fencing costs (in addition to all costs as required by Policy) when other land parcels available on the open market do not carry these additional costs or requirements at the time of purchase. For this reason the addition of fencing costs incorporated into the purchase price, to be held in a trust account may deter potential purchasers.

Alternatively, if Council were to place the estimated amount for fencing costs in a trust account that was not ultimately reflected in the increased sale price, this would reduce the net proceeds to Council derived from the sale of the community's land, reducing the benefits of sale to the wider community.

This practice would also increase the administrative burden associated with the disposal of Council land, as quotations for fencing would need to be obtained in each instance to define the sum that should be held in trust and the trust account would need long term administration.

Issues may also arise if adjoining land owners desired a higher standard of fencing at a higher cost than accounted for in the sum held in trust.

Holding fencing costs in a trust account would also create a highly irregular scenario in departure from the Fences Act, whereby some adjoining land owners may not know that fencing costs are being held in trust by Council. This may create an inequitable outcome whereby adjoining land owners who are not aware of such a policy do not use the fund for their fencing costs. It may also encourage land owners to replace an existing and adequate fence.

In respect to including a statement into the sales contract concerning the fencing cost, this is not a matter appropriate for a real property contract. This is because a condition about future fencing to be undertaken following settlement by Council or at Council's expense would be a condition subsequent to settlement. A condition subsequent regarding fencing would be highly unusual and is not recommended due to a range of unknown factors, such as the timing of when a fence may be requested (if ever) and whether this may apply to any subsequent purchasers of the land. It could,

however, be a stand-alone formal commitment from Council to meet the cost of fencing (which would include specific and appropriate limitations).

This suggestion represents a significant departure from the Disposal of Council Land and Other Assets Policy and the Fences Act and is not recommended due to the inequitable costs to Council, future purchasers and the community that may result.

4. That all the above options employ a sunset clause of 12 months.

A sunset clause of 12 months is not applicable to suggestions 1 and 2, which require council to supply a fence prior to sale.

It is considered desirable to have a sunset clause to apply to suggestion 3, however the length of that sunset clause is somewhat random. Whilst 12 months is suggested there is no rationale for such a time; it could just as easily be six months or two years. It might make sense to be up to 12 months, concluding by 30 June of the year of sale for financial accounting purposes.

The uncertainties are that we will not know when, or even if, the purchaser or the adjoining owner will fence the boundary. Similarly a purchaser or the adjoining landowner may sell or transfer their ownership of the land, in which case a decision will need to be made whether the commitment to fund the fence is to the existing landowners (up until 30 June that year) or indefinitely to the property boundary itself. It is understood that the intent of a trust account is to address existing owner concerns, therefore a transfer of ownership is expected to negate the requirement for council to contribute to the cost of fencing.

Not all adjoining land owners may be aware that fencing costs are being held by Council for a short period, resulting in inequitable outcomes whereby some adjoining land owners miss out on the opportunity for their fencing costs to be covered.

Unless specifically resolved by Council to alleviate adjoining landowners from financial costs at its discretion, we are of the view that any fencing to be constructed by the purchaser of Council land should be constructed in accordance with the *Fences Act*, which would apply to any subsequent purchasers of Council's land so as not to disadvantage Council or the purchaser of Council land.

5. That Council continues with the Land Revocation process.

We will continue to undertake the revocation process for select reserves that have been identified as surplus to the requirements of the Open Space Strategic Management Plan and in response to applications to purchase reserve land that, following detailed internal assessment, is surplus to strategic and operational requirements.

We will continue to manage Council's property portfolio in a transparent and responsible manner in accordance with the Disposal of Council Land and Other Assets Policy and the relevant community land provisions of the *Local Government Act 1999*.

In summarising, it is proposed that Council should continue to approach fencing matters in relation to the disposal of Council's land and roads with flexibility, treating each individual circumstance on its merits.

The existing Disposal of Council Land and Other Assets Policy is a legislative requirement of the *Local Government Act 1999* and is based on the model policy drafted by the Local Government Association for all Councils, to ensure compliance with the Act and to ensure the application of consistency and transparency.

The Fences Act applies throughout South Australia and as this is the appropriate mechanism to regulate the construction, repair and replacement of fences throughout the State, it is therefore not recommended that Council deviate from the operation of this State legislation. This is the position that has been adopted by Council for a considerable number of years and to date has not resulted in any situations of major concern, inconvenience or dispute.

As Council does not dispose of many parcels of reserve land each year, the likelihood of fencing issues arising is not frequent.

4. Financial Implications

Unless resolved otherwise by Council, under the Disposal of Council Land and Other Assets Policy, all Council land and roads must be sold at or above the market value, as determined by an independent professional land valuer engaged by Council.

Where an application is received from a member of the public, the applicant is required to cover all mandatory costs of the transaction, including (but not limited to) Council's application and processing fees, survey, conveyancing and valuation.

Where Council initiates the disposal of land due to the land being identified as surplus to the requirements of the Open Space Strategic Management Plan, Council meets the costs associated with the revocation of community land process, surveying, conveyancing and valuation, with the eventual purchaser paying at or above the market value for the land.

Net proceeds from the sale of the Council land are assigned to the Strategic Acquisitions Reserve Fund to assist with the funding of future strategic land acquisitions and other community projects.

If fencing costs are to be covered by Council as a cost of disposal, this will increase the costs for Council associated with the disposal of land and reduce the net proceeds available for Council to fund future projects.

If fencing costs were to be passed on to the purchaser of Council land, either as a cost of disposal or in addition to the market value paid for the land, this would increase the transaction costs incurred by that purchaser. This will likely also result in the purchase of Council land being less appealing to potential purchasers, with additional costs associated with fencing that are above and beyond the market value of the land being payable, in comparison to all other non-Council land where the normal provisions of the Fences Act would apply. This may in turn disadvantage Council when disposing of the land and the community who may receive diminished financial returns as a result.

5. Risk and Opportunity Management

Risk	
Identify	Discussion
<p>Council is perceived as being unfair if it does not consider the fencing costs of adjoining landowners to Council land and roads to be disposed.</p>	<p>Council currently approaches the fencing of its land and roads in accordance with the Fences Act, which applies uniformly throughout South Australia. This is considered to be the most fair and equitable approach in accordance with applicable State legislation.</p> <p>Council disposes of land in a wide variety of locations and circumstances, not all of which will entail fencing. For this reason, it is considered that a blanket approach is not adopted, thereby enabling Council to address specific situations at its discretion.</p>
<p>Council is seen to be inconsistent in its treatment of adjoining landowners if Council contributes to fencing costs in some circumstances, or if only select owners are aware that Council has made provision for fencing costs.</p>	<p>If Council were to depart from the provisions of the Fences Act in the administration of fencing to Council land upon disposal, this would create inconsistencies in the way that fencing is managed in comparison to the rest of South Australia.</p> <p>Due to the wide variety of localities and circumstances whereby Council may dispose of land and roads, departing from the Fences Act may result in inconsistencies to the benefit and detriment of select adjoining land owners and purchasers.</p> <p>If Council were to create a trust fund for the reimbursement of fencing costs, in departure from the Fences Act, this may result in unfair outcomes where only select adjoining land owners are aware of such unusual financial assistance being available.</p>
<p>Council reduces the net proceeds from the sale of community land and roads if contributing to fencing costs.</p>	<p>If Council were to fence all land and roads prior to disposal or contribute funds to future fencing costs, this would reduce the net proceeds from the sale of the land for market value.</p> <p>A reduction in the net proceeds derived from the sale of community land would adversely impact Council's budget position and result in less money being available for Council to fund future projects.</p>
<p>Council is perceived to unfairly disadvantage the purchasers of Council land by requiring above market value for the payment of possible fencing costs.</p>	<p>Council's current policy position to sell its land and assets for at or above market value is considered to be the most consistent and credible approach.</p> <p>In instances where Council land is sold to the open market, requiring purchasers to pay above market value to include 100 per cent of possible fencing costs will likely make the purchase of Council land less attractive in comparison to other privately owned land that will not carry this requirement.</p>

	<p>Where Council receives applications to purchase Council land or roads, requiring applicants to pay additional costs beyond the market value and mandatory transaction costs to cover 100 per cent of possible fencing costs (that may not be essential) may create an unfair situation and dissuade people from purchasing Council land. This may not be a desirable outcome in instances where the applicant has been occupying Council land or road for many years and the sale of the land is the most desirable outcome for Council both financially and administratively.</p>
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Opportunity	
Identify	Maximising the opportunity
<p>Council is perceived as generous to land owners adjoining Council land or road to be disposed by ensuring that they will not be asked to contribute to the potential fencing costs of a new purchaser.</p>	<p>The revocation of Council land from community land classification and the closure of roads are always subject to public consultation under the <i>Local Government Act 1999</i> and <i>Roads (Opening and Closing) Act 1991</i> respectively. Council's commitment to pay for the fencing costs of adjoining land owners may reduce some concerns of the adjoining land owners only.</p> <p>Whilst a limited number of adjoining land owners would benefit from some arrangement for Council to cover 100 per cent of possible fencing costs, this would likely come at the detriment of the wider community as Council realised reduced net proceeds from the sale of the community's land and in turn has less money available for future projects to benefit the community.</p>

On balance, it is recommended that Council continues to manage its land in accordance with all relevant State legislation, including the Fences Act, and the Disposal of Council Land and Other Assets Policy, as this is considered to be the most consistent, credible and responsible way of disposing of Council land and roads on behalf of the community.



Disposal of council land and other assets

1. Preamble

The contents of and the commitments that Council makes in this policy are not intended to be and should not be interpreted to be any more than a statement of the Council's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

2. Purpose

The purpose of this Policy is to:

- Define the methods by which council land or assets are sold or disposed (in accordance with obligations under section 49 of the Local Government Act);
- Demonstrate accountability and responsibility of council to ratepayers
- Be fair and equitable to all parties involved
- Enable all processes to be monitored and recorded
- Ensure that the best possible outcome is achieved for the council and the community
- Ensure that we are consistent with our strategic, corporate and financial directions; and
- Accord with legislative and common law responsibilities.

3. Policy Principles

Section 49 of the Local Government Act 1999 (Contracts and Tenders Policies) requires Councils to prepare and adopt policies on contracts, tenders including policies relating to the sale or disposal of council land or other assets.

We will ensure that our disposal practices and decisions:

- are undertaken in a manner which is accountable, responsible and transparent.
- that any sale or disposal of land and other assets will be consistent with achieving council's Community Plan 2035 and other council policies, strategies and long term plans.
- are in accordance with all legislative requirements including:

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Local Government Act 1999 (SA)
Real Property Act 1886 (SA)
Land and Business (Sale and Conveyancing) Act 1994 (SA)
Development Act 1993 (SA)
Retail and Commercial Leases Act 1995 (SA)
Residential Tenancies Act 1995 (SA)
Strata Titles Act 1988 (SA)
Crown Lands Management Act 2009 (SA)
Community Titles Act 1996 (SA)
Roads (Opening and Closing) Act 1991 (SA)
Land Acquisition Act 1969 (SA).

4. Definitions

In this Policy, unless the contrary intention appears, these words have the following meaning:

assets mean the physical items that council owns. This includes land, buildings, plant, machinery, equipment and all other physical objects. It does not include financial investments or finance related activities.

land includes community land, vacant land, operational land, all buildings (community and operational), road reserves and all other land related assets.

major plant, equipment and other items includes all major machinery, equipment originally classified by the council's accounting system as an asset (for example an item above \$5000 in value). It includes all trucks, graders, other operating machinery, motor vehicles and small plant items.

minor plant, equipment and other items ('minor assets') includes all items owned by council but not classified by the council's accounting system as an asset (for example an item with a value of \$5000 or less). This category includes all loose tools, store items, furniture, second hand items removed from other assets (such as air conditioners, bricks, pavers and exercise equipment).

5. Disposal considerations

5.1 Land disposal considerations

The Recreation and Open Space Network Plan contains a framework that must be considered when processing an application for sale or disposal of land. In keeping with this Plan and other investigation assessment criteria, the decision to sell or dispose of land will be made after considering:

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- the usefulness of the asset
- its remaining useful life
- the annual cost of maintenance
- any alternative future use of the asset
- duplications of the asset or service
- the impact the sale or disposal of the asset may have on the community
- any cultural or historical significance
- the impact the sale or disposal of an asset may have on the operations of the council
- the long term plans and strategic direction of the council (for example meeting the objectives of the Community Plan 2028 and asset management plans)
- a benefit and risk analysis of the proposed disposal or sale
- the topography of the land
- any restrictions on disposal.

5.1.1 Sale or disposal of land is to be implemented in conjunction with other relevant council policies and strategies including the following:

- Community Plan 2028
- Public Consultation Policy
- Long term asset management plans
- Recreation and Open Space Network Plan (ROSN)
- Recreation Strategy 2010

Where the land is classified as community land and contained within a community land management plan (in accordance with the provisions of the Local Government Act 1999) the contents of the Plan will form a fundamental consideration of any disposal report to Council.

5.2 Minor assets

Where minor assets have no remaining useful life they may be disposed of utilising an appropriate environmental disposal method (for example electronic waste via eWaste).

6. Disposal method

6.1 Land disposal method

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- The Council may resolve to sell or otherwise dispose of land.
- We must ensure that land that formed a road or part of a road is closed under the Roads (Opening and Closing) Act 1991 (SA) prior to its disposal.
- We must ensure that the process for the revocation of the classification of land as community land has been concluded prior to its disposal.
- Public consultation will be undertaken in accordance with council's public consultation policy where the land is classified as community land.
- Where appropriate, we may sell or dispose of land through adoption of the following practices:

open market sale – advertisement for sale through local paper and where appropriate, a paper circulating in the state or by instigating the services of a licensed real estate agent

expressions of interest – seeking expressions of interest for the sale or otherwise disposal of land

select tender – seeking tenders from a selected group of persons or companies

auction/open tender – openly seeking, through advertisement, tenders, or buyers for land

by negotiation – with owners of adjoining land or others with a pre-existing interest in the land (such as easements or rights of way), which may include:

- land that because of its small size, dimensions or irregular shape would not readily support a self contained development outcome
- land that has no legal access
- land to be developed by another level of government

Land disposed of to adjoining owners should (where possible) be amalgamated with an existing adjoining title

In identifying the circumstances in which to apply these disposal options, council may consider a range of matters which may include:

- the number of known potential purchasers of the land
- the original intention for the use of the land when purchased or otherwise granted ownership
- the current and possible preferred future use of the land

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- the opportunity to promote local economic growth and development
 - the total estimated value of the sale
 - compliance with statutory and other obligations.
- 6.1.1 We will seek to sell or dispose of the land at or above current market valuation
- 6.1.2 If the land is to be auctioned or placed on the open market then one independent valuation must be sought to set the reserve price for the land.
- 6.1.3 If the land is to be sold or disposed of via selected or direct sale, then a minimum of two independent valuations must be sought to ensure that an appropriate market value is obtained.
- 6.1.4 Unless Council resolves otherwise, sale of land should be at or above the current market valuation.
- 6.1.5 If an interest in land is to be granted via an easement then an independent valuation is to be sourced or 30% of the Valuer General's capital value to be taken over the relevant portion of land (whichever is the greater).
- 6.1.6 Unless Council resolves otherwise, all costs associated with any sale or disposal of land must be borne by the purchaser or realised within the purchase price.

6.2. Major plant and equipment - disposal method

- 6.2.1. The sale or disposal of major plant and equipment will be the responsibility of the relevant council officer responsible for the asset.
- 6.1.2 As appropriate, any of the following methods may be used for the sale or disposal of major plant and equipment:
- trade in – trading in goods to equipment suppliers
 - expressions of interest – seeking expressions of interest for buyers
 - select tender – seeking tenders from a selected group of persons or companies
 - open tender – openly seeking, through advertisement, tenders or buyers
 - public auction – public sale through our contracted service providers.

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6.3 Minor assets - disposal method

5.2.1. The sale or disposal of minor assets will be the responsibility of the relevant council officer responsible for the asset.

5.2.2. As appropriate, the following methods will be used for the sale or disposal of minor assets (under \$5000):

- trade in - trading in goods to suppliers
- public auction – sale of goods through public open process (for example for items grouped into lots – IT equipment, phones)
- expressions of interest – seeking expressions of interest from prospective purchasers.

In identifying the circumstances in which to apply these options, we will consider a range of matters including:

- the public demand and interest in the asset
- the method most likely to return the highest revenue
- the value of the asset
- the costs of the disposal method compared to the expected return
- compliance with statutory and other obligations.

Elected Members and employees of the council will not be permitted to purchase surplus assets unless the purchase is through public auction.

Purchasers of surplus assets will be required to agree in writing that before purchasing any item or asset that no warranty is given in respect of the suitability and condition of the asset.

7. Consultation

7.1 Land used for operational requirements

For land which is classified as operational land and has been deemed to be surplus to requirements (and excluded from community land), Council will determine on a case by case basis at the time of its resolution whether consultation is required.

This provision excludes land which is held as community land which will automatically follow the provisions as set out in the Local Government Act.

7.2 Land which is excluded from community land but is not used for operational purposes

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We will consider at the time of the report appropriate consultation methods on land which has been excluded from the community land provisions pursuant to the Local Government Act. Consultation may take place with land that is excluded but is currently used by the community or where there is an expectation that this land will be retained for the benefit of the community.

7.3 Community land

Public consultation will be undertaken on all community land in accordance with the Local Government Act 1999.

7.4 Major plant and equipment and minor assets

No specific consultation requirements will be undertaken in relation to these assets.

8. Delegations

The power to dispose of land will only occur by way of a resolution of council (other than an easement or right of way which has been delegated pursuant to Section 201(2) of the Local Government Act).

Council or its officers with delegated authority will, when implementing the decisions under this Policy, act in accordance with the council's budget, relevant policies, plans, agreements and resolutions.

Council acknowledges that the Chief Executive Officer may sub-delegate matters related to this Policy to staff or other persons employed or engaged by council.

9. Documentation

To assist in demonstrating that its disposal processes are cost effective, fair, transparent and accountable, and meet community needs, we will document the reasons for entering into contracts for the sale of land other than those resulting from a tender process.

Any process to dispose or sell land (other than the granting of an easement, right of way or disposal of road reserve to adjacent owner) which is not by open tender or open market sale will be undertaken under the supervision of a probity auditor/advisor.

Responsible officer(s)/department(s): Manager – Property and Recreation Services
Manager – Business and Information

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Council policy

Adopted/approved by:	Council
Date approved/adopted:	07/09/2010
Next review:	07/09/2015
Date(s) of previous review(s):	N/a

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